

Aaron P. Hisel, OSB #161265
aaron@capitol.legal
Elizabeth A. Jones, OSB #201184
beth@capitol.legal
Capitol Legal Services
901 Capitol St. NE
Salem, OR 97301
Telephone: (503) 480-7250
Fax: (503) 779-2716
Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JAMES J. NICITA, A RESIDENT OF
OREGON,

Plaintiff,

v.

DANIEL W. HOLLADAY, in his individual
capacity; in his official capacity as mayor of the
City of Oregon City, Oregon,

and

THE CITY OF OREGON CITY, a municipal
corporation

Defendant.

Case No. 3:19-cv-01960-YY

**DEFENDANTS' UNOPPOSED
MOTION FOR EXTENSION OF
TIME TO FILE A RESPONSE TO
PLAINTIFF'S MOTION TO
COMPEL (ECF 101)**

LR 7-1 CERTIFICATION

Pursuant to Local Rule 7-1, counsel for defendants conferred with Plaintiff and this motion is presented unopposed. (Hisel Decl. ¶ 2).

MOTION

Defendants move the Court for an Order extending the deadline to respond to Plaintiff's Motion to Compel (ECF 101) for seven (7) days, from December 28, 2023, to January 4, 2024.

MEMORANDUM OF LAW

A motion for extension of time is within the Court's discretion. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010). The District Court has broad discretion to control its docket and set deadlines. *FTC v. Gill*, 265 F.3d 944, 957 (9th Cir. 2001). The Court is guided by a good cause standard when an extension is requested before the time expires. FRCP 6(b)(1)(A). Pursuant to LR 54-3(b), defendant's response to plaintiff's Motion is due no later than 14 days after service of the motion. Plaintiff served his Motion on December 14, 2023, and defendants' response would, therefore, be due in the normal course by December 28, 2023.

This Motion is presented unopposed and is not being made for any improper purpose or unreasonable delay. (Hisel Decl., ¶¶ 2-3).

CONCLUSION

It is respectfully requested that Defendants' Unopposed Motion for Extension of Time to Respond to Plaintiff's Motion to Compel be granted, and the Court issue an Order extending the deadline to respond to Plaintiff's Motion to Compel (ECF 101) to January 4, 2024.

DATED this 28th day of December, 2023.

s/Aaron P. Hisel
Aaron P. Hisel, OSB #161265
Elizabeth A. Jones, OSB #201184
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S MOTION TO COMPEL (ECF 101) on:

James J. Nicita
302 Bluff Street
Oregon City, OR 97045
Plaintiff *pro se*

by the following indicated method or methods:



by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;

by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;

by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 28th day of December, 2023.

s/Aaron P. Hisel

Aaron P. Hisel, OSB #161265
Elizabeth A. Jones, OSB #201184
Attorneys for Defendants

CERTIFICATE OF SERVICE